

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*

State Engineer,

Plaintiff,

v.

ROMAN ARAGON, *et al.*,

Defendants.

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69cv07941 JEC-ACE

RIO CHAMA STREAM SYSTEM

Rio Nutrias, Section 3

Subfile No.: CHNU-003-0002D

**CONSENT ORDER**

The Court, having considered the agreement between the Plaintiff State of New Mexico and Defendant(s):

**JOSE D. ETURRIAGA**

concerning the Defendant's right to use the public waters of the Rio Chama Stream System, as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Rio Nutrias, Section 3, and by their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.
3. There is no just reason for delay for the entry of a final judgment as to the element of the claims of the Defendant(s) adjudicated by this order.

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**AUG 1 2001**

**OFFICE OF THE STATE ENGINEER  
LEGAL SERVICES DIVISION**

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4. The right of the Defendant(s) to divert and use the public waters from the Rio Chama Stream System, Rio Nutrias, Section 3, are set forth below:

**A. IRRIGATED LANDS (Surface Water Only):**

**Office of the State Engineer Files No(s):** NONE

**Priority:** Reserved for future determination by court order entered July 25, 2000.

**Source of Water:** Surface Water of the Rio Nutrias, a tributary of the Chama River.

**Purpose of Use:** IRRIGATION

**Point of Diversion:**

**Ditch Name:** Epifanio Ulibarri

**Location X:** 1,557,641 feet **Y:** 2,027,666 feet

New Mexico State Plane Coordinate System, Central Zone, 1983 N.A.D.

**Location and Amount of Irrigated Acreage:**

Township, Range, N.M.P.M.

Within the Tierra Amarilla Grant	25.8 acres
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Section 17, Township 27N, Range 04E, N.M.P.M.

Pt. of Lot 2 and Pt. of Lot 3 and Pt. of Lot 4	18.2 acres
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Pt. of Lot 3 and Pt. of Lot 4	17.6 acres
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Section 18, Township 27N, Range 04E, N.M.P.M.

Pt. of Lot 1 and Pt. of Lot 2 and Pt. of Lot 3	49.3 acres
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Pt. SE¼	10.7 acres
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Section 19, Township 27N, Range 04E, N.M.P.M.

Pt. NE¼	1.4 acres
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Total	123.0 acres
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As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHNU-003-0002D.

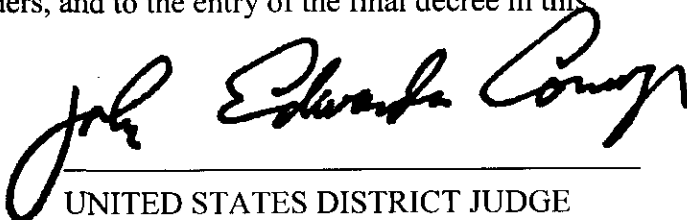
**Amount of Water:** Reserved for future determination by court order entered July 25, 2000.

5. Defendant(s) have no surface water rights in the Rio Chama Stream System, Rio Nutrias, Section 3, other than those set forth in this order and those other orders entered by this Court in this cause.

6. Defendant(s), his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Rio Nutrias, Section 3, except in strict accordance with the water rights described herein.
7. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

IT IS THEREFORE ORDERED that the rights of the Defendant(s) to divert and use the waters of the Rio Chama Stream System, Rio Nutrias, Section 3, are as set forth herein. The Defendant(s), his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Rio Nutrias, Section 3, except in strict accordance with the rights set forth herein or in other orders of the Court.

The Court enters this Consent Order as a final judgment as to the elements of Defendant's waters rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.

  
UNITED STATES DISTRICT JUDGE

Recommended for approval:

  
SPECIAL MASTER

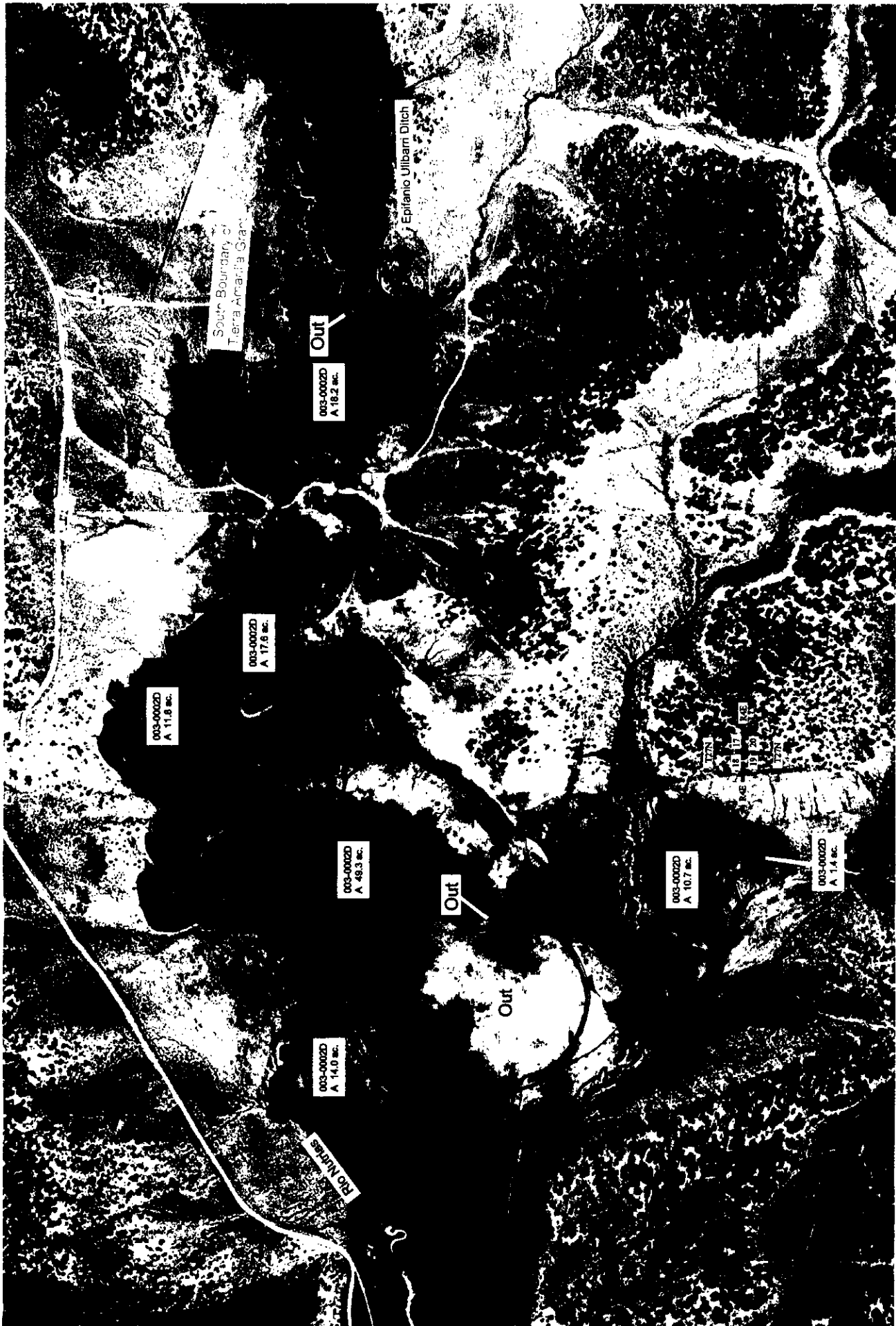
ACCEPTED: Jose D. Eturriaga  
JOSE D. ETURRIAGA

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DATE: 8/1/01

Ed NEWVILLE  
EDWARD G. NEWVILLE  
Special Assistant Attorney General

8.2.01  
Date



Subfile  
CHNU-003-0002D  
Epifanio Ulibarri Ditch  
AMENDED July 16, 2001

STATE OF NEW MEXICO  
Office of the State Engineer  
Thomas C. Turney, State Engineer  
Rio Chama Hydrographic Survey  
RIO NUTRIAS SECTION



Scale 1" = 700'  
0 300 700 Feet

- Legend
- Irrigated Tract Boundary
  - - - No Right Tract Boundary
  - ▲ Operable Ditch
  - - - Inoperable Ditch
  - Stock Pond / Reservoir
  - Point of Diversion
  - ⊙ Fallow